

IN THE HIGH COURT OF KARNATAKA, BENGALURU
DATED THIS THE 30TH DAY OF NOVEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.9543/2020 (EDN-RES)

BETWEEN:

MR. ARNAV SINGH
S/O MR. SK SINGH
AGED 18 YEARS
R/O A -704,
NAGARJUNA IVORY HEIGHT,
B. NARAYANAPURA
DOORVANI NAGAR
BANGALORE-560 016.
EMAIL ID : sksingh333@gmail.com

...PETITIONER

(BY SRI. V. S. BIJU, ADVOCATE)

AND:

- 1 . ORGANIZING CHAIRMAN,
JEE (ADVANCED)-2019
INDIAN INSTITUTE OF TECHNOLOGY
ROORKEE,
ROORKEE,UTTARAKHAND,
PIN:247667
EMAIL ID : jeeoffice@iitr.ac.in
- 2 . ORGANIZING CHAIRMAN,
JEE (ADVANCED)-2020
INDIAN INSTITUTE OF TECHNOLOGY
DELHI,HAUZ KHAS
NEW DELHI-110016
EMAIL ID : jeeadv@admin.iitd.ac.in
- 3 . UNION OF INDIA THROUGH SECRETARY,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT
(DEPARTMENT OF HIGHER EDUCATION)

127-C, SHASTRI BHAWAN,
NEW DELHI-110 001.
EMAIL ID: secy.dhe@nic.in

...RESPONDENTS

(BY SRI. JACOB ALEXANDER, ADVOCATE
FOR R1 & R2;
BY SRI. HARSHA P BANAD, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING OF THE RESPONSE RECEIVED FROM THE R-2 ORGANISING CHAIRMAN, JEE (ADVANCED) 2020, IIT DELHI VIDE ANNEX-W DATED 16.03.2020 AND ETC.

THIS PETITION COMING ON FOR *PRELIMINARY HEARING IN 'B' GROUP* THIS DAY THROUGH VIDEO CONFERENCE, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioner an IIT student of Engineering (Physics stream) is at the door steps of the writ court seeking a direction to the respondents to allow him *“to change the Branch/Academic stream of his choice... to Electrical Engineering (4 years – Bachelor of Technology) at the beginning of second academic year ...”* .

2. After service of notice the contesting respondent nos. 1 & 2 having entered appearance through their Panel Counsel resist the writ petition by filing the Statement of Objections and making submission in justification of the

impugned order and the reasoning on which it is structured.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court declines to grant indulgence in the matter for the following reasons:

(a) In earlier case in W.P.No.27049/2019 disposed off on 22.10.2019, petitioner's claim for award of Five Marks in view of arguable defect in Answer Key released on 04.06.2019 was not favoured; thus his ranking has remained intact; that being the position the issue touching the same cannot be re-agitated as rightly contended by learned Panel Counsel for the respondent-institution.

(b) The claim of a student for change of discipline is governed by Clause 4.9 of "Courses of Study 2019-2020";

Sub-clause (c) of the said clause reads as under:

"(c) Change of the branch will be permitted strictly in the order of merit, in each category, as determined by CGPA at the end of first year, subject to the limitation that the actual number of students in the third semester in the branch to which transfer is to be made should not exceed its sanctioned strength by more than 15% and the strength of the branch from which transfer is being sought does not fall below 85% of its sanctioned strength."

Regard being had to the ranking, petitioner does not fit into the requirement of this provision.

(c) This Court vide order dated 06.11.2020 had directed and accordingly the answering respondent has filed an affidavit furnishing the mandated information in the form of an affidavit dated 24.11.2020 specifically stating that the subject norm mentioned above has been in force since the academic year 2014-15; although 15 students till now have been permitted to change the branch, in all these cases the students moved downwards from a course requiring a higher rank in the JEE (Advanced) to a course which required a lower rank; the Institution has also produced a table containing the minimum material particulars of these 15 candidates; Annexure-B to the affidavit also states *“Change of branch was permitted only in the case where the student was otherwise eligible as per his/her JEE (Advanced) rank for admission to the branch (to which change was made) at the time of Entry to IIT Delhi”*.

(d) There is also force in the contention of learned Panel Counsel for the respondent-IIT that there are 5 or 6 candidates that figure above the ranking of the petitioner

and that their claim for change of branch has not been favoured and therefore petitioner cannot seek to march over those candidates who are comparatively more meritorious, although they are not before the court.

In the above circumstances, this writ petition being devoid of merits is liable to be rejected and accordingly it is. However, this rejection shall not come in the way of answering respondents otherwise considering petitioner's request for change of branch, if there is any alteration in the circumstances favouring him.

No costs.

**Sd/-
JUDGE**

Bsv